1948

File No. O/I&EC(C)A/48
G/3/48

Legal Department

G. **BRANCH**

Subject:—

Opinion Under the

Import and Export(control)

Act 1947

1948

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Office of the R.L.A.

Sub clause (1) of clause 4 of the cloth and Yarn (Export Control) Order, 1945, provides that the provisions of that clause shall apply only in relation to export of cloth or yarn to such places or countries as the Central Government May by notification in the Official Gazette, specify in this behalf. In Government of India Notification No.67-CW (15A)/45 dated 21st July 1945, Goa is not included. No prosecution under clause 4 (3) of the said order is therefore possible.

Under Government of India Notification No. 91-C.W(1)/45 dated 3rd November 1945 issued under Rule 84(3) of the Defence of India Rules the Central Government has banned the export of cotton piece goods to any place outside India unless such export is covered by an export licence. This notification is continued in force under section 4 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947) and a penalty for contravention is provided in section 5 of that Act. Cotton piece goods is item No.63 (iii) in Part D of the Schedule appended to the above said notifisation and Goa is outside India. Persons involved in smuggling of cloth to Goa can therefore be prosecuted under section 5 of the said Act.

P.M.L./31/3

Remembrancer of Legal Affairs.

U.O.R. to C.S.D. No.G/82 dt., 1-4-48.

S.I./12.7.56. 4c.